

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

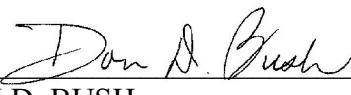
BEMONT INVESTMENTS, LLC, §
by and through its Tax Matters Partner, et al., §
§
Plaintiffs, §
§
v. § CASE NO. 4:07cv9
§ (consolidated with 4:07cv10)
§
UNITED STATES OF AMERICA, §
§
Defendant. §

**MEMORANDUM OPINION AND ORDER REGARDING
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Plaintiff has filed a Motion for Partial Summary Judgment regarding the interpretation of 26 U.S.C. § 6229 (Dkt. 136). Plaintiff seeks a summary judgment order that the Notice of Final Partnership Administrative Adjustment dated October 13, 2006 and issued to BM Investments LC for the tax year ending December 19, 2001 is barred by the statute of limitations. Plaintiff argues that 26 U.S.C. § 6229 provides an independent and exclusive three-year statute of limitation for partnership items. The Court finds that the motion should be DENIED. The Court is bound by the Fifth Circuit's recent decision in Curr-Spec Partners, L.P. v. Commissioner of Internal Revenue, 579 F. 3d 391, 393 (5th Cir. 2009) holding that IRC § 6229(a) does not establish an independent statute of limitations for issuing FPAs.

SO ORDERED.

SIGNED this 5th day of March, 2010.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE